REMARKS

In the Restriction Requirement, the Examiner requested Applicants to elect one of the following inventions:

Group I (Claims 1-2, 13, and 14) drawn to polypeptide, and a composition comprising a polypeptide;

Group II (Claims 3, 4, 5, 8, and 9) drawn to a polynucleotide and transformed cell;

Group III (Claims 7 and 20) drawn to an antibody;

Group IV (Claim 6) drawn to a method of producing a polypeptide;

Group V (Claims 10-12) drawn to a method of detecting a polynucleotide;

Group VI (Claim 15) drawn to a method of screening a compound for effectiveness as an agonist;

Group VII (Claim 16) drawn to a method of screening a compound for effectiveness as an antagonist;

Group VIII (Claims 17 and 18) drawn to a method of screening the effectiveness in altering expression of a target polynucleotide and assessing toxicity of a test compound; and

Group IX (Claim 19) drawn to a diagnostic test for a condition/disease associated with an antibody.

Applicants hereby elect, with traverse, to prosecute Group I, which includes Claims 1, 2, 13, and 14, as drawn to a polypeptide and a composition comprising a polypeptide.

Applicants first submit that the invention encompassed by the claims of Group II, drawn to polynucleotides, could be examined at the same time as the invention encompassed by the claims of Group I without undue burden on the Examiner, particularly in view of the searches previously made in the parent cases U.S. Patent Application Serial No. 08/749,903 and U.S. Patent Application Serial No. 09/088,641. For example, a search of the prior art to determine the novelty of the polypeptides of Group I would provide information regarding the novelty of the polynucleotides of Group II.

Applicants second submit that the invention encompassed by the claims of Group III, drawn to antibodies, could be examined at the same time as the invention encompassed by the claims of Group I without undue burden on the Examiner. For example, a search of the prior art to determine the novelty of the polypeptides of Group I would provide information regarding the novelty of the antibodies of Group III.

Applicants third submit that Claim 6 (Group IV) is a method of making the polypeptides of Claim 1, and Claim 15 (Group VI) and Claim 16 (Group VII) are methods of using the polypeptides of Claim 1, which should be examined together with the polypeptides of Group I, per the Commissioner's Notice in the Official Gazette of March 26, 1996, entitled "Guidance on Treatment of Product and Process Claims in light of *In re Ochiai, In re Brouwer* and 35 U.S.C. § 103(b)" which sets forth the rules, upon allowance of product claims, for rejoinder of process claims covering the same scope of products.

Accordingly, because the search required to identify prior art relevant to the claims of Groups I, II, III, IV, VI, and VII would substantially overlap, Applicants respectfully submit that examination of Claims 1-9, 13-16, and 20 would pose no undue burden. Thus, Applicants request reconsideration and withdrawal of the Restriction Requirement and examination of Claims 1-9, 13-16, and 20.

Applicants expressly reserve the right to prosecute non-elected subject matter in subsequent divisional applications.

Applicants believe that no fee is due with this communication. However, if the USPTO determines that a fee is due, the Commissioner is hereby authorized to charge Deposit Account No. 09-0108.

Respectfully submitted,

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Date: August 2, 2002

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